IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3231 OF 2004

IN

SUIT NO.3947 OF 1999

Shankar Rajaram ... Plaintiff

v/s

M/s Computrek Service Pvt.Ltd.

and others ... Defendants

None for Plaintiff.

Ms Usha Singh i/b M/s Vyas and Bhalwal for Defendant Nos.3 and 4.

CORAM : D.K. DESHMUKH J.

DATE : 25TH NOVEMBER 2005.

P.C. :-

1. This is a notice of motion taken out by the defendant Nos.3 and 4 for permission to withdraw the fixed deposit receipt deposited by the defendants pursuant to the order dated 14th July 1999 passed by this Court, copy of which is at Exh.'A' to the affidavit filed in support of the motion. According to the defendants, the order dated 14th July 1999 was passed as ad-interim order in the notice of motion taken out by the plaintiff for attachment before judgment of the property of the defendant No.3. Pursuant to the ad-interim order dated 14th July 1999, the defendant No.3 has deposited F.D.R. of Rs.1,88,000/-. That receipt has been deposited and the ad-interim order has been secured by the plaintiff, but till this date, the plaintiff has not bothered to register the said motion. In this view of the matter therefore, as the notice of motion for attachment before judgment is not registered by the plaintiff despite expiry of period of six years, in my opinion, there is no justification for keeping the FDR deposited by the defendant No.3 pursuant to the order dated 14th July 1999 in Court. Notice of motion is therefore granted in terms of prayer clause (b).

Notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy,

. Certified copy expedited.